# Last Will And Testament

I, James Cockroft, residing in North Grafton, in the State of Massachusetts, United States of America, being of sound and disposing mind and memory, do hereby make and declare this to be my Last Will and Testament, revoking all prior Wills and Codicils.

1 . IDENTIFICATION OF FAMILY

**Marital Status**

I am single.

**Living Descendants**

I do not have any living children or grandchildren.

**Deceased Family Members**

I do not have any deceased spouses or children.

2. EXECUTORS

I NOMINATE, CONSTITUTE and APPOINT my sister, Jessica Cockroft, of 13 Tennyson Road Reading 01867, to be the Estate Trustee, Executor, and Trustee of this my Will. References to "my Executor" in my Will shall include each Executrix, Executor and Trustee of my Will, my estate, or portion thereof, who may be acting as such from time to time whether original or substituted and whether one or more. I request that no Executor, Trustee or successor in such capacity, or any other fiduciary hereunder, shall be required to furnish any sureties on his or her official bond in said capacity.

3. PAYMENT OF DEBTS

a. Except for liens and encumbrances placed on property as security for the repayment of a loan or debt, I direct that all debts and expenses owed by my estate to be paid out in the manner provided for by the laws of the State of Massachusetts.

4. PAYMENT OF TAXES

a. I direct that all estate, inheritance, and other death taxes of any nature payable by reason of my death whether with respect to property passing under this Will or property not passing under this Will (except for any such taxes arising solely as a result of any power of appointment I may have at my death), shall be paid out in the manner provided for by the laws of the State of Massachusetts.

5 . DISTRIBUTION OF PROPERTY AFTER DEBTS AND TAXES



Bequests to Charities

a. To give 100 percent of the remainder of my estate, whether real or personal, and wherever located, to International Rescue Committee, for its general use and purposes.

Residue

a. In the event that International Rescue Committee, of 122 East 42 street New York New York 10168-1289, is continuing operations on the date of my death, then pay, transfer, and assign the residue of my estate to it for its use absolutely.

Alternate Residue

a. If International Rescue Committee, of 122 East 42 street New York New York 10168-1289, has ceased to exist by the date of my death, then:

i. I direct my estate to be divided in the following way:

100 percent of my possession to go to the humanitarian non profit that operates for the country of Yemen.

6 . POWERS OF THE EXECUTOR - GENERAL

MY EXECUTOR shall have full power and authority without the necessity of order of court to sell, at either public or private sale, or to exchange, lease, pledge, or mortgage, in such manner and on such terms as my Executor deems advisable, any or all property, real or personal, belonging to my estate and to execute all deeds, assignments, mortgages, leases, or other instruments necessary or proper for those purposes; to adjust, compromise, or otherwise settle claims of any nature in favor of or against my estate on such terms as my Executor deems advisable; to make distributions wholly or partly in kind by allotting or transferring specific securities or other real or personal property or undivided interests therein at then-current values; to retain any securities or other property owned by me at the time of my death, although the same may not, without this instruction, be considered a proper investment for Executors; and generally to perform any acts and to execute any instruments with respect to such property as if my Executor were the absolute owner thereof, but no power under this Will shall be exercised or exercisable if it would defeat qualification for any charitable deduction otherwise available to my estate for estate tax purposes. Notwithstanding any other provisions of this Will, my Executor shall, to the extent possible, not use any property

otherwise excludable from my estate for estate tax purposes for payment of any obligations of my estate, including any obligations for taxes.



7 . POWERS OF THE EXECUTOR - TAXES

I HEREBY vest my Executor with full power to do everything he or she deems desirable in connection with any tax matter involving to any extent myself, my family or my estate. My Executor shall have full power and discretion to hire (payable out of my estate) or to make, or to determine not to make, any and all elections available to me or to my estate with respect to income, gift, estate, or generation-skipping taxes, and my Executor's determination shall be final and binding on all parties.

No compensating adjustments of any sort shall be required as a result of any election made or not made by my Executor pursuant to this authority.

8 . SETTLEMENT OF CLAIMS

I AUTHORIZE AND EMPOWER my Executor to compromise, settle, waive or pay any valid claim or claims at any time owing by my estate or which my estate may have against others for such consideration or no consideration and upon such terms and conditions as my Executor may deem advisable and to refer to arbitration all such claims if my Executor deems same advisable.

9 . EXCULPATORY PROVISION

MY EXECUTOR shall not be liable for any act done or omitted to be done in reasonable good faith nor for any loss to or diminution of my estate unless caused by his own willful malfeasance or default; nor shall any Executor or Administrator hereunder be liable for the act or omission of any other Executor or Administrator hereunder. No interest shall be payable on any legacy or bequest hereunder, regardless of statute or court rule, and regardless of when such legacy or bequest is paid, so long as my Executor shall act in good faith in making any such payment or distribution.

10. NONCONTESTABILITY OF BEQUESTS

ALL GIFTS, bequests, legacies and devises contained in this Will are given upon the express condition that the respective beneficiaries shall not directly or indirectly contest or oppose, or appear against the allowance and probate of this Will, or take any action in any court to have it set aside or annulled in whole or in part. If any such action is taken or participated in by any beneficiary, whether or not such contest or action is based on probable cause, then I revoke and declare void the gift, bequest, legacy, devise, share or interest given to such beneficiary, and such share or interest shall instead go to the beneficiaries under the residuary clause of this Will, but excluding said contesting beneficiary and his/her heirs.



IN WITNESS WHEREOF I, James Cockroft, do hereby declare that I am of the age of majority or otherwise legally empowered to make a Will. I declare that I sign and execute this instrument as my Last Will, that I sign it in the presence of each of the said witnesses, and as my free and voluntary act, this _____ day of _____, _____.

_____
James Cockroft

WE, the undersigned witnesses, each do hereby declare in the presence of the aforesaid testator that the testator signed and executed this instrument as his Last Will in the presence of each of us, that he signed it willingly, that each of us hereby signs this Will as witness in his presence and in the presence of each other, and that to the best of our knowledge, the testator is of the age of majority or otherwise legally empowered to make a Will, is of sound mind, and under no constraint or undue influence.

_____ *Witness*
*Signature*
signs this Will as a Disinterested Adult witness

_____ *Witness*
*Signature*
signs this Will as a Disinterested Adult witness

_____ *Witness*

*Name*

_____ *Witness*

*Name*

_____

_____ *Witness*

*Address*

_____ *Witness*

*Address*



# MyWill™ - Instructions

## For James Cockroft

Below is more information about your Will, including instructions explaining how to sign your Will and make it into a legal document in Massachusetts, as well as information regarding how and when you should update your Will.

### Structure Of The Will

The Will has the following structure:

It identifies the person making the Will (you), otherwise known as the "testator".
It revokes (cancels) all previous Wills, to make it clear that this Will replaces any earlier Wills you may have made.
It names the personal representative, called the "executor", for your Will. This is the person who will be responsible for distributing your estate (property) according to the wishes outlined in your Will.
It leaves all of your property to your executor in trust. The executor, as the trustee of the estate, is given ownership of all of the property in your estate after you die, but must distribute the property according to the instructions in your Will.
It instructs the executor to pay all valid debts, expenses, claims and taxes on your estate.
It tells the executor to give your beneficiaries whatever is left in the estate after the

debts, expenses, claims and taxes have been paid.

It gives the executor certain legal and financial powers to manage your estate, including power to keep or sell property in the estate, to invest cash, and to borrow money.

It names one or more people who should take custody of any minor children.

## Signing The Will

In order to make the Will a legal document, you should first print it and read it thoroughly. Make sure that it accurately reflects your wishes and that you understand everything that is contained in the document. Once you are happy that it reflects your wishes, you must sign your Will in the presence of two witnesses, and these witnesses
must also sign the Will, in the presence of the "testator" (yourself) and in the presence of each other. You and the witnesses should also initial each page, so that it is not



possible to alter any pages after the Will has been signed. A witness cannot be a beneficiary of the Will, they cannot be the spouse of a beneficiary (at the time of signing), they cannot be a minor, and, like the "testator" (you), they must be of sound mind.

For the signing procedure, gather the witnesses together in a room. You should make a formal statement that you have gathered them to witness the signing of your Will. They do not have to read the Will or know its contents. They are only required to witness your signature.

You should initial each page in turn, in the bottom left corner of each page, and then sign your name in full on the last page, in full view of the witnesses. Each witness then in turn initials each page, in the bottom left corner of each page, and signs the last page. Everybody must stay present until all of the signing is complete. Each witness should write their address alongside their signature and print their name below.

If you are concerned about the witnesses reading the Will, it is a common practice to cover each page with a blank piece of paper while the initials are being added.

There should only be one original of the Will for everyone to sign. Copies can be created by photocopy. It is therefore a good idea to sign the original in blue ink, so that it is
easily distinguishable from the photocopies. Do not sign the photocopies, as this will create duplicate originals which can be difficult to administer.

## Affidavit of Execution

After you have passed away, your Executor will present your Will to the probate courts. They will receive authorization from the courts to serve as your Executor and this
authorization can be taken to banks and financial institutions to gather your assets.

If, at the point of presenting your Will to the probate courts, there is a challenge to the Will and a claim that the document was not signed appropriately, then the probate judge may call upon the witnesses to swear under oath that the signing was done correctly. If none of the witnesses can be located, or if they are no longer living at the time of probate, the validity of the Will would be determined by a judge who would look at things like the content of the Will (for example, if everything was left to a caregiver instead of the family) or by medical records (if you had a history of mental illness). They may also call upon somebody who can testify that your handwriting and signature are genuine.

Another option is to have the witnesses sign under oath at the time of signing the Will (in the presence of a Notary Public). They would sign a "self-proving affidavit" which can then be appended to the Will. This is an optional step, but it eliminates the need for the witnesses to testify in court at the probating of the Will. If you wish to do this, you should contact a Notary Public in your area and have one of your witnesses accompany you with your Will to swear under oath that the signing of the Will was conducted correctly. You should be able to find a Notary through a simple Internet search. Note



that such affidavits are valid in all U.S. states with the exception of the District of Columbia, Maryland, Ohio and Vermont.

## After The Will Is Signed

After the Will is signed you must keep the original and all copies in a safe place, and let your Executor know where the original is stored, along with the "self-proving affidavit" if you have one.

Use the MyFuneral™ service to specify your funeral wishes. The MyFuneral™ service also allows you to document the location of your Will.

Download and complete the free Personal Details & Assets (PDF file) and store it with your Will. Or, for a more organized and easy-to-update approach, we highly recommend that you use the MyLifeLocker™ service to leave all of your critical information and additional instructions for your Executor(s); there is a small charge for this service.

Use the MyVault™ service to upload important files and documents to your secure Vault.

Use the MyMessages™ service to leave messages to your family and friends, which will only be sent after you have passed away. At the very least, we recommend preparing a message for your Executor(s), indicating the location of your Will, and keep it up-to-date.

Use the free MyKeyholders™ service to assign "Keyholders", who will be the only ones able to unlock all of the above information after you have passed

away. At the very least, we recommend assigning your Executor(s) to be Keyholder(s) for your important information. You may want to document the extent of your assets using the MyLifeLocker™ service and use this together with the MyKeyholders™ service to make sure that your Executor has all of the information they need at the appropriate time.

All of the above items are available as links on the MyWill™ Main Menu.

## Updating Your Will

Your Will comes into effect only after your death and is strictly confidential until that time. Throughout your life, you are free to update your Will as often as you like, either by making an amendment, or by drafting a new Will. An amendment to an existing will is called a "codicil" and must follow the same form and structure of a full Will (i.e. it must be properly signed and witnessed). Consequently, writing a codicil is not usually much of a shortcut. In fact, it can lead to significant confusion.



It is strongly recommended that if you wish to make changes to your Will, that you create a new Will and revoke and destroy all previous Wills. Each time you modify your existing Will using the MyWill™ service at USLegalWills.com, the MyWill™ service does just that --- it produces a new Will that revokes all of your previous Wills. Never, ever, make handwritten amendments to your printed Will.

Not updating a Will can be as bad as not having a Will at all. Even if you feel that there have not been many changes in your life, your Will should be reviewed every year on a routine basis.

Beyond the routine reviews of your Will, you should consider updating your Will in the following circumstances:

If somebody named in your Will dies
If a major asset is purchased or sold
If you remarry, separate, divorce or cohabit
If you move to a new province/state or country
If your executor or alternate executor no longer wish to serve
If any new children are born, adopted, or pass away
If any person named in your Will becomes seriously ill
If your children reach the age of majority
If you wish to change some beneficiaries
If you wish to redistribute your property in a different way

## After You Die

After you die and your Will has been located, your Executor will apply for "probate" in Massachusetts. This process confirms that the Will being presented to the court is the most recent, official copy of your Will, and your Executor will be

appointed by the court to administer your estate.

Your Executor will then be given a "Grant of Administration", which officially appoints them as your estate administrator. It is this document that can be presented to the
banks and gives your Executor access to your assets.

There is plenty of official literature available to your executor to describe the process they need to follow after your death. If your executor is also a "Keyholder®" for your
MyWill™ service at USLegalWills.com, then they will also have access to specific step by-step instructions which are made available to them at USLegalWills.com when they login to retrieve your Will.